

July 23, 2007  
Seven o'clock P.M.  
North Little Rock City Hall Council Chambers  
300 Main Street  
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, July 23, 2007, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: NEIL BRYANT, DEBI ROSS, LINDA ROBINSON, OLEN THOMAS, CARY GAINES, JOHN PARKER, CHARLIE HIGHT, and MURRY WITCHER a quorum was declared (8/0). City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The invocation was given by Alderman Gaines, followed by the pledge of allegiance to the flag which was led by Alderman Parker.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes of a regular council meeting held on Monday, July 9, 2007, were approved, accepted and filed as prepared by the City Clerk (8/0).

Mayor Hays extended condolences to the baseball coach who died during a Arkansas Travelers Game after being injured by a foul ball, and to the family of a Jacksonville man who was killed in the Wal Mart parking lot on East McCain during an incident Sunday. He advised an arrest had been made.

On the blanket motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communications # 1, 2, 3 and 6 were accepted and filed (8/0).

1. Sharon Tedford, Mayor's Office memorandum re: *restaurant mixed drink and Sunday beverage - Change of Manager* for Roadhouse Grill, 3500 Landers Road, by Charles A. Drew.
2. Liliana Flores, Supervisor and Use Tax EFT Unit, State of Arkansas, letter to Diane Whitbey, City Clerk and Collector re: Notice of Rate Change Effective October 1, 2007 (*decreased notice*).
3. Mark K. Halter - Hilburn, Calhoun, Harper, Pruniski and Calhoun, LTD., letter to Mr. Jason Carter, City Attorney re: North Little Rock Wastewater Utility Rate Ordinance for July 23, 2007, City Council Agenda and requesting a public hearing to be set for August 27, 2007.
6. Melrose Community Outreach flyer / invitation to National Night Out celebration, August 10, 2007 beginning at 6:00 p.m. (Theme "Wear Your 70's").

On the motion of Alderman Witcher and seconded by Alderman Hight, communication # 4 was read by title only. After discussion the communication was voted on by two separate votes (see 4 a. and 4 b.). (*Note: in the future, ABC applications will be listed separately on the council agenda for separate votes*). On the motion of Alderman Gaines and seconded by Alderman Parker, and by consent of all members present, communication #4 (a) was previously read by title only, accepted and filed (8/0). After discussion regarding the type of business to be conducted at the location, and concerns regarding "hired dancers" and on the motion of

Alderman Thomas and seconded by Alderman Gaines, and by consent of all members present, the #4 (b) application was rejected. Mayor Hays will write a letter to the Arkansas Beverage Control Board indicating the same (8/0). The communication was accepted and filed.

4a. Sharon Tedford, Mayor's Office memorandum re: application for *new restaurant mixed drink permit* for Argenta Seafood Company, 521 Main Street, by Eric Clayton Isaac.

4b. Sharon Tedford, Mayor's Office memorandum re: application for *new restaurant wine and retail beer on premises permit* for After Night Hookah, 1000 West 37<sup>th</sup> Street by Mohammed Yafai.

On the motion of Alderman Gaines and seconded by Alderwoman Ross, and by consent of all members present, the communication was read by title only, accepted and filed (8/0).

5. Dan Scott, Director of Neighborhood Services, letter to Mayor Hays re: event site West of Rock Island Rail Bridge.

Mayor Hays advised this area is closer to the Clinton Presidential Library. Moving most larger productions to the site would allow the river trail to remain open for general use and provide an area with easily controlled access for events. It would also simplify clean up and would impact less residents in the area as the flood wall would provide some buffering.

Mayor Hays invited Mr. Jon Swanson, Executive Director MEMS to come forward. Mr. Swanson reviewed response time standards, financial performance, and system improvements. MEMS has trained paramedics who work with the Police Department during SWAT Team deployment. Challenges include fewer people becoming paramedics. Medicare and other sources were also discussed. The service area covered by MEMS has expanded and includes Pulaski and Faulkner counties as well as other areas.

Mayor Hays invited Mr. Gary Mills, Director of Wastewater to come forward. Mr. Mills introduced Mr. Dan Jackson with Economists.com who performed a rate study. Mr. Jackson reviewed the long term financial situation and said rates are increasing as inflation increases. We are looking at a 26.5% increase. Currently, all North Little Rock Waste Water (NLRWW) customers pay a base rate of \$8.16 for the first 400 cubic feet. The average monthly bill is \$14.28. A formula was reviewed pertaining to the number of customers by 2016. Currently, NLRWW has 30,010 accounts. After further review, and discussion pertaining to drawing down reserve funds, long term debt and forecast 2007 to 2011, it was determined the total amount would be \$19,795,000.00. Mr. Mills reviewed the urgency of several upcoming projects.

Mayor Hays invited Mr. Graham Rich, CEO Central Arkansas Water (CAW) to come forward. Mr. Rich reviewed a settlement agreement with Waterview Estates and the benefits to CAW customers which included protection of water quality in Lake Maumelle by means of construction of a stormwater diversion structure to carry stormwater run-off outside the watershed, continued working relationship with the developer regarding 2,000 acres elsewhere in the watershed, and cost savings to CAW customers by settling the lawsuit for \$1,000,000.00. The risk of an adverse judgment would have cost ratepayers and additional \$2 to \$5 million, not including legal costs.

Mayor Hays reconvened a public hearing at 8:26 p.m., this date regarding O-07-49, amending North Little Rock Municipal Code (NLRMC) to include a Chapter on Noise Control. Mr. Joe Reynolds asked about unmonitored home burglar alarms and vehicle alarms. Mr. Glen Miller lives in Ward 2 and said he had concerns about angering a neighbor by reporting him or her. He asked the council to think this through. Mr. Bobby Taylor said people in his neighborhood will get out of their vehicle, leave the radio turned on and turned up loud and go into a house. Nuisance noise is annoying and this needs to be passed. Mr. Larry Settles moved here in January. He said Union Pacific Railroad uses train horns to alert people of their location or proximity to a railroad crossing. However, some of the engineers are not considerate and blow their horns at least a half a mile away and continue through the railroad crossing. Mr. Settles suggested Union Pacific put up crossing guards. Mayor Hays said Alderman Parker is looking into this concern. Federal law mandates the sounding of the train whistle to warn people a locomotive is coming through a crossing. Alderman Thomas said residents are concerned with police checking the noise level from the source of the complaint which would let the offender know who complained against them. Mr. Carter said the legislation is worded in a way so that people can enjoy peace and comfort in their own home. Police officers would indicate they are responding to a complaint, but not where the complaint originated. Emergency or temporary noise situations would be considered. There being no one else wishing to be heard, Mayor Hays adjourned the public hearing at 8:51 p.m. and the legislation was called.

\*O-07-49 (ORDINANCE NO. 7965 - ALDERWOMEN ROBINSON AND ROSS, ALDERMAN THOMAS)

AN ORDINANCE AMENDING NORTH LITTLE ROCK MUNICIPAL CODE TO INCLUDE A CHAPTER ON NOISE CONTROL; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time June 11, 2007, read a second time, July 9, 2007 and amended. A public hearing was reconvened this date (*see above*) and adjourned. The ordinance was read a third and final time. Alderman Parker asked if other cities had tested similar legislation and had concerns regarding enforcement. Mr. Carter said a lot of city's have noise ordinances. This ordinance was patterned after the one the City of Fayetteville, Arkansas, has had in effect for 10 years. After additional discussion, and on the motion of Alderman Witcher and seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0).

Mayor Hays reconvened a public hearing at 8:57 p.m., this date regarding O-07-52, amending Section 12.22 (*in its entirety*) (*Mobile Storage Containers*) of Ord. No. 7697 (*the Zoning Ordinance*). There being no one present wishing to be heard, the public hearing was adjourned at 8:58 p.m. and the legislation was called.

\*\*O-07-52 (ORDINANCE NO. 7966 - ALDERMAN WITCHER)

AN ORDINANCE AMENDING SECTION 12.22 (MOBILE STORAGE CONTAINERS) OF ORDINANCE NO. 7697 (THE ZONING ORDINANCE); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time June 25, 2007, was read a second time July 9, 2007. A public hearing was reconvened this date (*see above*) and adjourned. The ordinance

was read a third and final time. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Robinson. Discussion regarding a fee and excluding industrial areas ensued. On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the ordinance was amended as follows:: *Section B. 4. insert A NO FEE permit...*(8/0). A motion to adopt as amended was made by Alderman Witcher and seconded by Alderwoman Ross. Storage containers located in industrial zones were discussed. On the motion of Alderman Thomas and seconded by Alderman Hight, and by consent of all members present, with the exception of Alderwoman Robinson and Alderman Witcher, who voted no, the ordinance was amended as follows:: *strike through industrial areas in Subtitle B. And C. (6/2)*. This ordinance does not include a “grandfather clause”. On the motion of Alderman Witcher and seconded by Alderman Bryant, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted as amended (8/0).

### **UNFINISHED BUSINESS**

\*O-07-49 (*see above*)

\*\*O-07-52 (*see above*)

### **NEW BUSINESS**

R-07-93 (**RESOLUTION NO. 7134 - MAYOR HAYS**)

**A RESOLUTION REAPPOINTING MICHAEL ROWETT TO THE LIBRARY**

**COMMISSION; AND FOR OTHER PURPOSES**, was read. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the resolution was unanimously adopted (8/0). Mayor Hays thanked Mr. Rowett for his continued service to the city as a commissioner.

R-07-94 (**RESOLUTION NO. 7135 - MAYOR HAYS**)

**A RESOLUTION REAPPOINTING MARY RUTH MORGAN TO THE SENIOR CITIZENS**

**COMMISSION; AND FOR OTHER PURPOSES**, was read. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0). Mayor Hays thanked Mrs. Morgan for her continued service to the city as a commission member and as City Treasurer. Mrs. Morgan updated the council on the status of the expansion and construction at the Patrick Henry Hays Senior Citizens Center. She thanked the council and citizens for their commitment and advised classes and activities have continued throughout the expansion. Mayor Hays said the contractor was ahead of schedule. Current membership is over 12,000.

R-07-95 (**RESOLUTION NO. 7136 - MAYOR HAYS**)

**A RESOLUTION REAPPOINTING RICHARD C. BLANKENBEKER TO THE SENIOR**

**CITIZENS COMMISSION; AND FOR OTHER PURPOSES**, was read. On the motion of Alderman Thomas and seconded by Alderwoman Ross, and by consent of all members present, the resolution was unanimously adopted (8/0). Mayor Hays thanked Mr. Blankenbeker for his continued service to the city as a commission member.

R-07-96 (RESOLUTION NO. 7137 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2008 AND 2008 ½ WEST 16<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Bryant. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0). (*owners: Alma Lowden and James A. Maxwell*)

R-07-97 (RESOLUTION NO 7138 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2008 WEST LONG 17<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Bryant and seconded by Alderwoman Ross. Mayor Hays convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0). (*owners: Harry and Pat Blankenship*)

R-07-98 (RESOLUTION NO. 7139 - MAYOR HAYS)

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO REIMBURSE PRELIMINARY COSTS PERTAINING TO THE PLANNING, DESIGN, SITE PREPARATION, FINANCING AND CONSTRUCTION OF THE LOWER BARING CROSS REDEVELOPMENT DISTRICT PROJECT FROM THE PROCEEDS OF THE ISSUANCE OF REDEVELOPMENT DISTRICT BONDS; AND STATING OTHER MATTERS PERTAINING THERETO, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Robinson. Mayor Hays acknowledged Mr. Jim Jackson. He then discussed the need for the legislation. Alderman Bryant asked about Section 3 and preliminary project costs. Any use of city funds would have to be authorized by the council. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-07-99 (RESOLUTION NO. 7140 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH CLEMENTS & ASSOCIATES / ARCHITECTURE, INC. FOR ARCHITECTURAL SERVICES FOR THE NEW BASEBALL COMPLEX AT BURNS PARK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gaines and seconded by Alderman Witcher. Mr. Bob Rhoads, Parks and Recreation Director reviewed the Master Plan which was approved in 2006, illustrated the location of a Baseball Complex. Mr. Gary Clements would be the architect and sublet work to Mr. Mike Marlar,

Marlar Engineering. Up to 8 ball fields are being considered. Currently, the fields at Vestal Park are being used. Utilization of the Vestal Park property was discussed including existing restrictions regarding use of the property (approximately 40 acres). Mr. Bobby Gosser was present and said he would help anyway he could with the ball fields. Alderman Thomas made a motion to adopt which was seconded by Alderwoman Robinson. After further discussion and on the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-07-100 (RESOLUTION NO. 7141 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH FINNEGAN & ASSOCIATES, INC. FOR GRANT WRITING AND FUNDING SERVICES ON BEHALF OF THE CITY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0). Mr. Stephen Finnegan thanked the city and introduced Mr. Ray Bunch who was also present.

R-07-101 (RESOLUTION NO. 7142 - ALDERMEN BRYANT, ROSS, ROBINSON AND THOMAS)

A RESOLUTION APPROVING INSTALLATION OF SPEED HUMPS ON EDGEMERE STREET, "I: STREET AND LINCOLN AVENUE (4518 Edgemere Street, 4300 / 4314 Edgemere Street, 1007 "I" Street, 2614 Lincoln Avenue and 2912 Lincoln Avenue); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Bryant and seconded by Alderwoman Ross. Alderwoman Ross asked about speed humps which were located and 35<sup>th</sup> Street and not replaced after the street was over-layed. Alderwoman Ross also asked about a request for a speed hump on Fairway Drive between North Hills and McCain Boulevard. Mr. Tim Marvin, Traffic Service Director said the location has a slight hill and curve and deemed a speed hump might be a safety hazard and could cause accidents in the area. Traffic control signs are being prepared for the area. The cost of temporary speed humps were discussed. Mr. Marvin said the cost would be approximately \$8,500.00 each. Alderwoman Robinson said they want the humps on "I" Street and Lincoln to be permanent. Alderman Witcher asked if Fairway was considered a "collector street". On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, with the exception of Aldermen Hight and Witcher, the resolution was amended as follows:: *add Section 1: (7) 35<sup>th</sup> STREET, and, (8) FAIRWAY, and after the first sentence in Section 1, insert the following, THE DEPARTMENT SHALL USE PERMANENT SPEED HUMPS ON ITEMS 1 THROUGH 6. Amend third sentence by striking each location and insert ITEMS 7 AND 8, (6/2).* On the motion of Alderman Bryant and seconded by Alderman Thomas, and by consent of all members present, with the exception of Aldermen Hight and Witcher, the resolution was adopted as amended (6/2). Alderman Gaines advised there were requests from Ward 3 residents from this year. Pursuant to the current ordinance, those will be considered in 2008. He said these people have traffic problems which need to be addressed now. Mayor Hays advised any council member could bring legislation to the council to expedite the process.

O-07-64 (ORDINANCE NO. 7967 - MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR TELEPHONE AND ON-LINE PAYMENT PROCESSING SERVICES; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH COLLECTOR SOLUTIONS, INC. (CSI); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its third and final reading (8/0). On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Mr. Bob Sisson advised this will allow North Little Rock Electric customers to pay using a credit or debit card. It will also allow e-check payments. A previous provider was approved but requested more funds. CSI is the preferred payment processing vendor of Harris Computer Systems. Harris is already a service provider for the city. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-07-65

AN ORDINANCE VACATING AND ABANDONING A PORTION OF UTILITY EASEMENTS AND A STREET RIGHT-OF-WAY ON CERTAIN PROPERTY LOCATED IN THE NORTHSORE BUSINESS PARK SOUTH OF NORTH SHORE DRIVE AND WEST OF ARKANSAS SURGICAL HOSPITAL; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Mr. Voyles advised Mr. Sam Perroni is planning a commercial development. After further discussion, the legislation was held by sponsor, Mayor Hays.

O-07-66

AN ORDINANCE FIXING RATES FOR SERVICES FURNISHED BY THE SEWER SYSTEM OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; PRESCRIBING OTHER MATTERS PERTAINING THERETO; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the ordinance was amended as follows:: *page 2 insert 0.31 and 1.24* (8/0). A public hearing was scheduled for Monday, August 27, 2007, at 7:05 p.m. Alderman Bryant and Alderwoman Ross asked to be added as sponsors. The legislation was then held by sponsor, Mayor Hays.

#### **PUBLIC COMMENTS-----**

Alderman Gaines asked about dump trucks continuing to work at business location even though they have not received a special use permit. Alderman Hight reviewed the dates of the upcoming Community Development Block Grant Programs. Ms. Lisa Smith is President of the Scenic Hill

Crime Watch Association. On behalf of the association, she thanked the Mayor, Council and Patrick Lane, Street Department for cleaning up Scenic Hill. Mr. Bobby Taylor spoke regarding a new website in Rose City. He is the President of the Rose City Crime Watch. Their meetings are the third Monday of each month at 7:00 p.m. Anyone can attend. Mr. Sam Baggett asked members of the North Little Rock Landlords Association to raise their hands and advised they were present regarding concerns of a growing problem they are faced with as landlords. Copper wiring is being taken from their rental properties West of Pike Avenue. Air conditioning units are being stolen and stripped of the wiring. Copper piping is being removed from their properties, too. A local business is accepting copper without asking any questions. The business pays cash for the copper. He has talked with Aldermen Thomas and Gaines about possible legislation to help alleviate the problem. Alderwoman Ross said a new state Act sets procedures for documenting the purchase of copper. Mr. Carter said the state law will go into effect August 1 and requires buyers to keep records of copper if the amount is over 100 pounds or the amount paid is over \$50.00. Alderwoman Ross said this is a nationwide problem. She said some cities are requiring payments be made by check to allow some type of trackable document. Mrs. Patricia Harris lives in Rose City. She said those who want information about the Rose City Property Owners Association can watch NLRTV for information on the meeting date, time and location. Former Alderman, Mr. Art Eastham complimented the new council chambers. He is also a landlord. The current Landlords Association has over 300 members. He said some landlords have put out "for rent" signs and had air conditions and piping stolen. Some landlords have moved air conditions from rental property until it is occupied to protect the copper wiring from being taken. He asked if there was something the council could do, or would the State Legislature have to address the issue. Mayor Hays said North Little Rock can look at it, but that wouldn't prevent someone from going across the river to sell copper. North Little Rock Police Captain Leonard Montgomery said there are some requirements to document copper sales / purchases. Mr. Berlin Brents knows who is stealing his air conditioners and has witnesses. He said the police won't do anything about it. Mr. Mark George said he has had 4 air conditioners stolen. Mr. Paul Goodman said legislation is needed to prevent people from buying the stolen copper. Then people would stop taking it. Mayor Hays said the second council meeting in August is the last home game at the new ballpark and asked the council to consider if they wanted to reschedule the meeting from Monday, August 27, to Tuesday, August 28. Also, the first council meeting in November falls on the 12<sup>th</sup>, which is the day Veteran's Day will be observed. Normally, the meeting would be held the following Tuesday (13<sup>th</sup>) or Thursday (15<sup>th</sup>). However, the National League of Cities Annual Conference will be November 13 through the 18<sup>th</sup>. It is possible several council members will attend thereby effecting a quorum of members.

There being no further business to come before the Council, and on the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the meeting adjourned at 10:45 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, August 13, 2007, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS  
ATTEST: DIANE WHITBEY, CITY CLERK